

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSIE NIELSEN, a single woman,

Plaintiff,

v.

CALIFORNIA CAPITAL  
INSURANCE COMPANY, a foreign  
corporation, and EAGLE WEST  
INSURANCE COMPANY, a foreign  
corporation,

Defendants.

NO. 2:22-CV-0177-TOR

ORDER GRANTING  
CLARIFICATION AND  
RECONSIDERATION

BEFORE THE COURT is Plaintiff's Motion for Clarification, Motion to

Expedite, and Motion for Reconsideration. ECF Nos. 136, 140, 141. These

matters were submitted for consideration without oral argument. The Court has

reviewed the record and files herein and is fully informed.

Despite being placed on notice by the defense that they were seeking a  
ruling under Federal Rule of Civil Procedure 56(f) (ECF No. 71), Plaintiff

1 provided no argument otherwise in her Reply (ECF No. 96). Plaintiff now comes  
2 forward with substantial information and evidence and seeks reconsideration of the  
3 Court's ruling.

4       Federal Rule of Civil Procedure 54(b) governs reconsideration of a non-final  
5 order. An order that resolves fewer than all the claims among the parties – that is,  
6 a non-final order – “may be revised at any time before the entry of judgment  
7 adjudicating all the claims and all the parties’ rights and liabilities.” Fed. R. Civ.  
8 P. 54(b); *Credit Suisse First Boston Corp. v. Grunwald*, 400 F.3d 1119, 1124 (9th  
9 Cir. 2005). Where reconsideration of a non-final order is sought, the court has  
10 “inherent jurisdiction to modify, alter, or revoke” its order. *United States v.*  
11 *Martin*, 226 F.3d 1042, 1049 (9th Cir. 2000). Whether to grant a motion for  
12 reconsideration is within the sound discretion of the court. *Navajo Nation v.*  
13 *Confederated Tribes and Bands of the Yakima Nation*, 331 F.3d 1041, 1046 (9th  
14 Cir. 2003).

15       Having considered the argument and information now supplied, the Court  
16 withdraws its rulings that granted partial summary judgment to Defendants on  
17 Plaintiff’s IFCA and bad faith claims pursuant to Fed. R. Civ. P. 56(f)(1). Thus,  
18 Plaintiff’s motion for partial summary judgment remains denied, but the ruling in  
19 favor of the Defendants is withdrawn and vacated.

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1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 2     1. Plaintiff's Motion for Clarification (ECF. No 136) is **GRANTED**.  
3     2. Plaintiff's Motion Expedite (ECF No. 140) is **GRANTED**.  
4     3. Plaintiff's Motion for Reconsideration (ECF No. 141) is **GRANTED**.

5                 The District Court Executive is directed to enter this Order and furnish  
6 copies to counsel.

7                 DATED September 25, 2023.



8                 A handwritten signature in blue ink that reads "Thomas O. Rice".  
9                 THOMAS O. RICE  
10                 United States District Judge

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